

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLES CARRILLO,

Plaintiff,

v.

CV 17-1150 WJ/JHR

TOYOTA MOTOR CORPORATION,

Defendant.

ORDER QUASHING SUBPOENA

This matter comes before the Court on the City of Santa Fe's Motion to Quash Subpoena [Doc. 38], filed December 5, 2018. Generally, the Motion argues that the subpoena issued to the City must be quashed because the issuing party, Toyota Motor Corporation, did not comply with Federal Rule of Civil Procedure 31 when issuing it. [*See generally, id.*]. Toyota did not respond to the City's Motion. [*See* Doc. 39 (Notice of Completion of Briefing)]. Toyota's failure to respond to the City's Motion has consequences. Pursuant to Local Rule 7.1(b), "[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion." D.N.M.LR-Civ. 7.1(b). According to the Tenth Circuit, "local rules of practice, as adopted by the district court, have the force and effect of law, and are binding upon the parties and the court which promulgated them...." *Smith v. Ford Motor Co.*, 626 F.2d 784, 796 (10th Cir. 1980) (citation and quotation omitted). Accordingly, the City's Motion is granted, and Toyota's subpoena is quashed pursuant to Federal Rule of Civil Procedure 45(d)(3)(A)(iv).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "JH Ritter", written over a horizontal line.

JERRY H. RITTER
U.S. MAGISTRATE JUDGE